

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

| | |
|---------------------------------|--------------------------|
| -----X | |
| In re Application of: | : Examiner: P. Smith |
| | : |
| Michael WHITMAN | : Art Unit: 3739 |
| | : |
| For: ELECTROMECHANICAL SURGICAL | : |
| DEVICE | : |
| | : Confirmation No.: 4140 |
| Filed: March 15, 2002 | : |
| | : Customer No.: 26646 |
| | : |
| Serial No.: 10/099,634 | : |
| -----X | |

Mail Stop Appeal Brief-Patents
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION
 I hereby certify that this correspondence is being electronically
 transmitted to the United States Patent and Trademark Office via
 the Office of Electronic Filing System on January 12, 2009

Signature: /Loretta E. Charles/
 Loretta E. Charles

APPEAL BRIEF TRANSMITTAL

SIR:

Transmitted herewith for filing in the above-identified patent application, please find an Appeal Brief pursuant to 37 C.F.R. § 41.37.

On June 12, 2008, Applicants filed a Notice of Appeal from the last decision of the Examiner contained in the Final Office Action dated December 12, 2007. Applicants hereby request a five-month extension of time for submitting the Appeal Brief. The extended period for submitting the Appeal Brief expires on January 12, 2009.

The small entity Appeal Brief fee of **\$270.00** and the small entity extension of time fee of **\$1,175.00** are being paid by credit card.